24th December 1956] [Sri C. Subramaniam]

I shall look into those points and if any action is necessary, I shall try to take such action as may be found necessary as early as possible. ...

I have to compliment the hon. Member Mr. Purushotham, in particular, on having studied the supplementary statement in a very detailed way. When I mention his name, it does not mean that I make no reference to others. Other hon. Members also have understood what the statement contains and have spoken. As a matter of fact, I have seen in the past many Members speaking without knowing what the papers supplied to them contained. That has been my experience elsewhere also and, therefore, it was a very pleasing thing now to find here that Members were well-informed and that their criticisms also were always to the point. I may assure the hon. Members that I have been greatly benefited by the discussions here and I do not think that I have any further points to meet. 5-10 p.m.

SRI MOHAMED RAZA KHAN : Then, why not you co-opt us to the Assembly Committee on Public Accounts?

MR. CHAIRMAN : The discussion is over. The Hon. Mr. Manickavelu will now move the Bill standing in his name.

IV.—GOVERNMENT BILL,

THE MADRAS INAMS (ASSESSMENT) BILL, 1956 (L.A. BILL NO. 36 OF 1956).

* THE HON. SRI M. A. MANICKAVELU : Sir, I move—

"That the Madras Inams (Assessment) Bill, 1956 (L.A. Bill No. 36 of 1956), as passed by the Legislative Assembly, be taken into consideration."

I would like to bring to the notice of the House that there are certain classes of land called inam lands which enjoy certain privileges in the matter of payment of assessment. The holders of some of these inam lands pay a nominal land revenue. In other cases, the holders of land pay land revenue at a concessional rate. The question of levying full assessment on this kind of lands has been under the consideration of the Government for a considerable time past. There is no special reason why the holders of inam lands should continue to enjoy the privilege of paying less assessment. Therefore, the Government have now come forward with proposals to levy full assessment on all inam lands. Assessments are levied with reference to the fasli year and, therefore, it is proposed to bring this measure into force with effect from 1st July 1956. Provision has been made in the Bill for an appeal to the District Collector against the rate of assessment ordered to be levied by the Revenue Divisional Officer. Provision has also been made for the survey of inam lands. I may also mention, in this connection, that the total revenue likely to be derived on this account is about Rs. 47 lakhs.

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* Printed as Appendix on pages 335-339 infra.

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MR. CHAIRMAN : Motion moved—

"That the Madras Inams (Assessment) Bill, 1956 (L.A. Bill No. 36 of 1956), as passed by the Legislative Assembly, be taken into consideration."

SRI K. BALASUBRAMANYA AYYAR : Mr. Chairman, Sir, the Hon. the Minister for Revenue, in moving this Bill, said that there was no case for the inamdars enjoying the privilege of paying less assessment than others. So far as inams are concerned, there is a very long history behind them. The inams in our State—also called maniams—are of various kinds. There are service inams or maniams. (The Hon. Sri M. A. Manickavelu : They are exempt.) There are also personal inams. So far as payment of land revenue is concerned, these are divided into three kinds. The first is, 'Sarvamaniam' villages. In this case, the inamdar enjoys the whole revenue from the villages concerned but pays no land revenue to the Government. There are inams where only a portion of the revenue is payable to the Government. These constitute the second type of inams. Thirdly, there are inams which are subject to payment of jodi or quit-rent. These are the three classifications of inams, as far as assessment is concerned. But, broadly speaking, there are religious and charitable purposes for which inams have been made. For instance, there are Devadasi inams given to dancing girls for performing certain service in the temples. There are inams given away to temples and there are hereditary officers who enjoy these inams. In villages, there are what are called service inams thachamaniam and kollamaniam—given to carpenters and blacksmiths respectively. They are enjoying these inams from time immemorial. Personal inams have been given to persons who have rendered service to the State. In consideration of their having rendered service to the State and also in consideration of their having served the community, such inams have been given. Personal inams have also been given to persons for their learning and piety, and in recognition of their great contribution to the culture and civilisation of our State. Most of the inams belong to the class of small inam-holders and they are not big in extent at all. Therefore, this assessment now proposed will be a great load on these small holders of lands. By various provisions in other Acts, their income has already been reduced. This will be another load on them to break their back finally. I feel this step need not be taken. The Government hope to realise some Rs. 17 lakhs. That is nothing compared to the crores of rupees they get from land revenue. The British Government recognised and confirmed these inams and they have been in existence for a very long time. The inam title-deed has been accepted and jodi or quit-rent has come to be acknowledged as the only thing payable by them to the Government. Of course, in the present changing policy of the Government, it may be that they do not care for the recognition the British Government gave to these inamdars. But is it right, especially in the case of religious and charitable inams, when we have ourselves reduced their rent to 40 per cent? When there is

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a huge reduction in the income of temples and charitable institutions on account of the provisions of the Fair Rent Act and when the Commissioner, Hindu Religious and Charitable Endowments, himself has pointed out in a memorandum the difficulty to which these institutions would be put by the reduction of rent, it is not fair to increase the assessment now. When the Fair Rent Bill was being discussed, the Government thought that they could not make any difference between the tenants of temple lands and the tenants of other lands. But so far as the inamdars are concerned, they have kept the kudivaram right with the inamdars. So, in the case of religious and charitable institutions, which are doing useful service to the community, they should not be subject to this increased assessment.

Then, Sir, after the Estates (Amendment) Act, 1936, was passed, certain inams came to be known as estates under that Act. Before that, they were not considered as estates. Many such inam villages in Tanjore and Tiruchirappalli have thus become estates. This legislation had a very chequered history. It was passed first in 1933. But the Governor-General refused to give his assent to the Act on the representation of the inamdars that no compensation was provided for people who had acquired kudivaram rights. Afterwards, it was sanctioned by the Governor-General in Council and was in force. After this, another legislation, viz., the legislation of 1936 was passed. In the majority report 5–20 p.m. it was mentioned that the compensation would be paid to the kudiwaramdar. Many people gave compensation to the "kudiwaramdar". For interpreting the definition correctly, many people had to go to court also. But still explanation I states as follows :—

"The levy of full assessment on any inam, which became an estate by virtue of the Madras Estates Land (Third Amendment) Act, 1936 (Madras Act XVIII of 1936), shall be *in addition* to any quit-rent, jodi, kattubadi or other amount of a like nature payable to the State Government by the landholder immediately before the commencement of this Act."

No reason is given for this explanation. What is the reason for adopting the wording "in addition to" is not stated at all. The proper wording should be "in lieu of" and not "in addition to". Explanation II states—

"If any quit-rent, jodi, kattubadi or other amount of a like nature was payable to the State Government immediately before the commencement of this Act in respect of any inam other than one falling under Explanation I, the assessment leviable on such inam under this section shall be in lieu of such quit-rent, jodi, kattubadi or other amount aforesaid and if, in respect of any such inam situated in an inam village, any jodi or other amount of a like nature is payable by the inamdar to the landholder of the village, the assessment leviable on such inam under this section shall be reduced by the amount of the jodi or other amount so payable."

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In the second explanation the wording "in lieu of" is used whereas that wording is not there in the first explanation.

I shall give one instance of how this Bill would affect the people. There is one village called "Naikunnam" in the Nannilam taluk wherein "rokka kuthakai" is in operation. The extent of land there is 140 acres and the jodi payable by the inamdars to Government is Rs. 622. That comes to Rs. 4 and odd per acre. The assessment for similar tharam of land in ryotwari areas is Rs. 8 per acre. Now, according to this Bill, those inamdars have got to pay Rs. 4+Rs. 8=Rs. 12 per acre. They will have to pay now Rs. 12 per acre. This is a very large increase, from Rs. 4 to Rs. 12. I do not understand the reason for this increase. There should not be any disparity between the two explanations. In both, the wording should be "in lieu of". It cannot be "in lieu of" in one explanation and "in addition to" in another explanation. I would request the Hon. the Minister for Revenue to consider the possibility of removing the disparity between the two kinds of land, the one which was made an estate after the statute of 1936, viz. after the Amendment Act of 1936 came into force and the other which was treated as inam before them. Especially when we take into consideration the fact that the inamdar in many cases had to pay compensation to the kudiwaramdar for helping the latter to raise his status, we can see that there is practically no difference between the inamdar and the kudiwaramdar. Therefore it is I say that this Bill is defective in one or two respects, as I have pointed out before. I may tell the Hon. the Revenue Minister that many of these inams were given to charitable institutions in consideration of the service rendered by them either to the people, to the State or to the community. Therefore, so far as religious institutions are concerned, we have got to make a distinction. Already their income from the land has been reduced because the rent of the tenant has been increased by the Fair Rent Act. If, in addition to that, we ask them to pay "full assessment in addition to quit-rent, jodi, etc." then it will affect them terribly. Therefore, in explanation I for the words "in addition to" the words "in lieu of" should be substituted. These are some of the observations that I want to make in respect of this Bill which has been moved in this House for adoption, by the Revenue Minister.

* SRI T. PURUSHOTHAM : I wish to associate myself with the views expressed by the hon. Member Sri K. Balasubramanya Ayyar. I do feel that the religious institutions should be exempted from the scope of this Bill. The object of this Bill, as has been pointed out, is to provide for levy of full ryotwari assessment on inam lands. Hence, the religious institutions will be compelled to pay full ryotwari assessment on inam lands. Something should be done by Government to come to the rescue of religious institutions which will be adversely affected by this Bill. I do not see that under the rule-making powers the Government could do anything about this as power is given to them to

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make rules only in respect of the items specified in sub-clauses (*a*) to (*e*) of clause 10. Therefore, what I would request Government is to give these religious institutions necessary grant for making up the loss that these institutions would incur by being asked to pay full ryotwari assessment on inam lands, according to this Bill. This aspect should be borne in mind by the Government. This is the only thing that we could ask the Government to do because they cannot provide in the rules for any exemption from the purview of the Bill. They are given power to make rules only in respect of determination of assessment leviable under the Bill in respect of unsurveyed lands, etc. Therefore, something by way of subsidy to temples and charitable institutions affected by this legislation, should be assured by Government.

SRI A. GAJAPAHTY NAYAGAR : 'எஸ்டேட் லாண்ட் ஆக்ட்'-ல் 'எஸ்டேட்டுகள் கொடுக்கப்பட்டிருந்தன' என்றால் எஸ்டேட்டுகளின் ரெவின்யூ வருமானம்தான் கொடுக்கப்பட்டிருந்ததாகக் கருதப்படவேண்டும் '**shall be presumed**' என்று சொல்லப்பட்டிருக்கிறதே தவிர, முழு நிலமும் கொடுக்கப்பட்டிருந்ததாக கருதப்படவேண்டும் என்று சொல்லப்படவில்லை; ரெவின்யூ வருமானத்தோடுகூட முழு நிலமும் கொடுக்கப்பட்டிருந்தால் முழு நிலமும் கொடுக்கப்பட்டதாக நிலச்சுவான்தார் நிரூபிக்கவேண்டும் என்று அந்தச் சட்டத்தில் சொல்லப்பட்டிருக்கிறது. ஆனால், இந்த மசோதாவில், 4-வது பிரிவில், இனாம்தார்களுக்கு 'நிலம் கொடுக்கப்பட்டிருந்தது' என்றால், 'கொடுக்கப்பட்டது ரெவின்யூ மாத்திரமல்ல. முழு நிலமும் ஆகும் என்று கருதவேண்டும்' என்று சொல்லப்பட்டிருக்கிறது. ஆகையால், முன் சட்டத்தில் குறிப்பிடப்பட்டுள்ள எஸ்டேட் சொந்தக்காரர்களுக்கும் இந்த மசோதாவில் குறிப்பிடப்பட்டுள்ள இனாம்தார்களுக்கும் ஒரு வேற்றுமை இருக்கிறது. இனாம்தார் என்றால் அவருக்கு முழு நிலமும் கொடுக்கப்பட்டதாக பாவிக்க வேண்டும் என்று சொல்லும்போது, ஏன் அந்த நிலத்தின்மீது வரி போடக் கூடாது என்று நான் கேட்கிறேன். நான் கேட்பது நியாயம் தானே? நிலம் கொடுத்தவன் யாராக வேண்டுமானாலும் இருக்கட்டும். நிலம் முழுவதும் கொடுக்கப்பட்டதாக பாவிக்கவேண்டும் என்று சொல்லும்போது நிலத்தின் மீது வரி போட வேண்டியதுதான் நியாயம். ஒரு கனம் நண்பர் நெய்குன்றம் என்ற இடத்தில் ஜோடி ரூ. 4 இருக்கக்கூடும் என்றும் வரி ரூ. 8-ஆக இருக்கக்கூடும் என்றும், அதன் காரணமாக, வரி வசூலித்தால் சாதாரணமாகப் போடும் வரியைவிட நாலைந்து ரூபாய் அதிகமாகப் போய்விடக்கூடும் என்றும் சொன்னார். அப்படியானால் அந்த அந்த இடத்திற்குத் தக்கவாறு வரி விதிக்கவேண்டும். ஆகவே 4-வது பிரிவின்படி நிலம் கொடுக்கப்பட்டதாகச் சொல்லும்போது, வரி விதிக்க வேண்டியதுதான் நியாயம் என்று சொல்லிக்கொள்கிறேன்.

* THE HON. SRI M. A. MANICKAVELU : Sir, the position is this. The provisions of this Bill will not apply to the following categories of lands :— 5-30 p.m.

(1) Inam estates to which the provisions of the Madras Estates (Abolition and Conversion into Ryotwari) Act of 1948 apply or may be applied;

(2) Cultivable lands in an estate held by a person other than the landholder;

(3) Lands granted by a landholder on service tenure either free of rent or on favourable rates of rent if granted before the passing of the Estates Land Act or free of rent if granted after that date so long as the service tenure subsists;

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(4) Beds and bunds of tanks and of supply, drainage surplus or irrigation channels;

(5) Threshing floor, cattle stands in village-sites and lands set apart for the common use of villagers; and

(6) Waste lands and forests.

The Bill will apply, in the first place, to the inams which are called the 1936 inams. Under that Act, these inams were treated as estates, but the Estates Abolition Act as such was not applied to them. Somehow or other, it was postponed and before that step is taken, Government have thought that the ordinary rate should be applied to the private lands in that kind of inam. Of course, the other lands which are not private will not be affected. As regards the question why a difference should be made between Explanations I and II, Explanation I says—

"The levy of full assessment on any inam, which became an estate by virtue of the Madras Estates Land (Third Amendment) Act, 1936, shall be in addition to any quit-rent, jodi, kattubadi or other amount of a like nature payable to the State Government by the landholder immediately before the commencement of this Act."

That is because, now it being an inam estate, the inamdar enjoys certain privileges. Now, the kist in these inams comes to Rs. 6,80,000 odd, that is, the inamdari receives as kist from such inams Rs. 6,80,000 odd, but he pays to the Government only Rs. 1,90,000. There is that margin which he enjoys and that is why we have said that this assessment on his private land may be in addition to jodi, etc. That is, the estate is not abolished as the Abolition Act is not applied to it; so, he still enjoys ceratin privileges. There is no injustice in that. But in the case of other inams it is different; there is no privilege and that is why is stated 'in lieu of such quit-rent, etc.'. In the case of 1936 inams, it is 'in addition to the jodi, quit-rent, etc.'. That is all my submission, Sir.

MR. CHAIRMAN: The question is—

"That the Madras Inams (Assessment) Bill, 1956 (L.A. Bill No. 36 of 1956), as passed by the Legislative Assembly, be taken into consideration."

The motion was put and carried and the Bill was taken into consideration.

Clause 2 of the Bill was put and carried.

Clause 3.

MR. CHAIRMAN: The motion is—

"That clause 3 do stand part of the Bill."

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SRI K. BALASUBRAMANYA AYYAR: Sir, I move the following amendment :—

" In Explanation I of sub-clause (1) (*b*), *for* the words ' in addition to ' *substitute* the words ' in lieu of ';

Sir, the reason given by the Hon. Minister is not convincing. He states that the person continues to be an inamdar. That cannot be. If he continues, full assessment cannot be levied, because an inamdar is a person holding the inam title-deed; that cannot be increased. We are trying to abolish all quit-rent and that is the purpose of this Bill. It should be made clear whether one is an inam or not an inam, even though it may be an Estate after the 1936 Act. So far as the purpose of levy of full assessment is concerned, he is treated as a ryot. Therefore, that is the purport of this Bill. Whether he gets more money or less money, nobody is concerned with that. Only on certain well-known statutory principles the Government can levy taxes. We should not take into account the fact that the man gets less money or more money. I am on the point that this particular Bill abolishes all quit-rent so for as inams are concerned. In the place of quit-rent or jodi, full assessment is now proposed to be levied. Let us have full assessment on all inam lands. Why should there be a distinction in the case of 1936 inams? There may be something in the fact that these inams are not abolished under the Estates (Abolition and Conversion into Ryotwari) Act. But this Bill deals with the collection of revenue. Only on the basis of a principle, revenue is collected. Revenue is collected on the basis that it is not an inam. The Government propose to collect full assessment from all inams. They do not think of collecting jodi or quit-rent. I would plead with the Revenue Minister, whoever may have drafted this Bill, 5-40 p.m. re regard inams as ryotwari areas for the purpose of collecting full assessment and leave them there. Though these inams have not been abolished, the Government may treat them as ryotwari areas for purposes of levying full assessment. The Government regard the inamdars as ryots for one purpose and as inamdars for another purpose. The Government regard them as inamdars for purposes of recovering quit-rent or jodi and regard them as ryots for purposes of levying full assessment. This is a thing which ought not to be done legally. This is my submission, Sir, in moving my amendment.

SRI G. KRISHNAMOORTHI: I second the amendment, Sir.

SRI K. BALASUBRAMANYA AYYAR: Sir, I move the following amendment standing in my name :—

" *After* sub-clause (2) (*c*), add the following as sub-clause (2) (*d*) :—

' (2) (*d*) Any person aggrieved with the decision of the District Collector, may prefer an appeal to the High Court on any question of law within one month from the date of the order of the District Collector. ' "

Sir, these inams have given a lot of head-ache not only to lawyers but also to Judges. The agitation against the Bill of 1936 went so far as the Governor-General of India who had the power to give sanction or not. After a good deal of argument and representation, he turned down the Bill and sent it for reconsideration by the Legislature. Afterwards, the Legislature had to reconsider the whole thing and they drafted another Bill more carefully. These inams give a lot of trouble so far as questions of law are concerned. Therefore, I would very much request that provision be made for questions of law to be referred to the High Court for final adjudication.

SRI G. KRISHNAMOORTHI : I second the amendment, Sir.

SRI A. GAJAPATHY NAYAGAR : இனாம்தார்கள் கொடுக்கப்பட்ட நிலங்களை எவ்வாறு கவனித்துவருகிறார்கள் என்று பார்த்தால், விஷயம் நன்றாகப் புரியும். இனாம்தார்கள் க்விட் ரெண்டோ ஜோடியோ கொடுக்கிறார்கள். அது ஒரு சிறு தொகையாக இருக்கும். (குறுக்கீடு). கிராமங்களில் இந்த இனாம் நிலங்கள் கேவல நிலையில் இருப்பதை நான் பார்த்திருக்கிறேன். குளம் ஒன்று இருக்கும். அது தண்ணீர் இல்லாமல் வருஷக் கணக்காக இருக்கும். அது கவனிக்கப்படாமலே இருக்கும். இவற்றையெல்லாம் நான் நேரில் பார்த்திருக்கிறேன். இனாம்தார்கள் இனாம் நிலங்களில் பயிரிடுபவர்கள் அல்ல. அவர்கள் எங்கோ தூர தேசத்தில் பெரிய உத்தியோகத்தில் இருப்பார்கள். ‘ஜோடி தானே’ கொஞ்சம் பணம் கொடுத்துவிடலாம்’ என்று இருப்பார்கள். குளங்களைச் செப்பனிடுவது கிடையாது. இந்த நிலைமையின் காரணமாக கிராமத்திலுள்ள குடிகள் இனாம்தார்களிடம் சென்று சண்டை போடுவார்கள். ஆகவே க்விட் ரெண்டுடன் வரியையும் சேர்த்துக் கொடுத்தால், (குறுக்கீடு) நிலத்தைக் கவனிப்பார்கள். சிறு தொகையாகிய க்விட் ரெண்டோ ஜோடியோ கொடுத்துவிட்டு அவர்கள் நிம்மதியாக இருக்க முடியாதபடி, வரியும் கொடுக்க வேண்டும் என்று நிர்ப்பந்தம் இருந்தால் அப்போதாவது அவர்கள் நிலத்தை நன்றாகக் கவனிப்பார்கள். அப்போது தான் நிலத்தை சீர்திருத்தம் செய்து குளங்களைச் செப்பனிட்டு குடியானவர்களுக்கு நன்மை செய்வார்கள். ஆகவே அதிகமான வரி போட்டால் தான் நிலத்தை கவனிப்பார்கள் என்று சொல்லிக்கொள்கிறேன். இப்போது குறைவான தொகையாகிய ஜோடியைக் கொடுத்துவிட்டு நிலத்தை கவனிப்பதே இல்லை நிலத்தைச் சீர்திருத்துவதற்கும் குடியானவர்களுக்கு உதவி செய்வதற்கும் வரி போடுவது நியாயம் என்று சொல்லிக்கொண்டு என்னுடைய வார்த்தையை முடித்துக்கொள்கிறேன்.

* THE HON. SRI M. A. MANICKAVELU : Sir, my explanation is this. In the case of the 1936 inams, the inamdar is in the nature of an intermediary. He has not yet been removed. He gets the rent, and the rent roll, as I said, will be about Rs. 6 lakhs and odd. He actually pays by way of jodi or quit-rent only a lakh of rupees and pockets the rest for his status as inamdar. If the Abolition Act is applied, then quit-rent will go. But he will be given compensation. Now, that has not taken place. He is paying quit-rent. So, there is nothing wrong in making him pay quit-rent, because he collects more rent than he actually pays. What is proposed in the Bill is to levy ryotwari rates only on his private lands. The new levy relates to his private lands.

24th December 1956] [Sri M. A. Manickavelu]

As regards the provision for appeal, there is already provision for appeal to the District Collector. I do not think it is necessary to provide for an appeal to the High Court. That is why no provision has been made for appeal to the High Court.

MR. CHAIRMAN : The question is :—

"In Explanation I of sub-clause (1) (*b*), *for* the words 'in addition to' *substitute* the words 'in lieu of'.

After sub-clause (2) (*c*), *add* the following as sub-clause (2) (*d*) :—

'(2) (*d*) Any person aggrieved with the decision of the District Collector, may prefer an appeal to the High Court on any question of law within one month from the date of the order of the District Collector.' "

The amendment was put and lost.

Clause 3 was put and carried.

Clauses 4 to 11 were put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

* THE HON. SRI M. A. MANICKAVELU : Sir, I move—

"That the Madras Inams (Assessment) Bill, 1956 (L.A. Bill No. 36 of 1956), as passed by the Legislative Assembly, be passed."

MR. CHAIRMAN : Motion moved—

"That the Madras Inams (Assessment) Bill, 1956 (L.A. Bill No. 36 of 1956), as passed by the Legislative Assembly, be passed."

SRI K. BALASUBRAMANYA AYYAR : Sir, may I appeal to the Hon. Minister to see that religious or charitable inams at least receive some kind of allowance or aid from the State so that they might not suffer? I am not speaking of all charitable institutions. I speak of charitable institutions which are suffering. I hope that the Hon. Minister will, after this Bill is passed, look into this question and see that the religious and charitable institutions do not suffer on account of this additional assessment imposed on them. Already their rents have become reduced on account of the provisions in the Payment of Fair Rent Act.

* THE HON. SRI M. A. MANICKAVELU : Sir, I do not know how far I will be justified in giving an assurance of the nature the hon. Member wants me to give. But I will bear this in mind as to know how far religious institutions are affected by this Bill. There is time enough to devote attention to this aspect of the question.

[24th December 1956

MR. CHAIRMAN : The question is—

"That the Madras Inams (Assessment) Bill, 1956 (L.A. Bill No. 36 of 1956), as passed by the Legislative Assembly, be passed."

The motion was put and carried and the Bill was passed.

MR. CHAIRMAN : The House will now adjourn and meet again at 3 p.m. on Thursday, the 27th December 1956.

The House then adjourned.

TAMIL NADU LEGISLATIVE ASSEMBLY
TRUTH ALONE TRIUMPHS